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Attorneys for Defendants

DAN ROBIN CATALANO and the

Unnamed sailing vessel, Hull # CFZ0237TC700 &

CF #0237TP

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISIONMORELLI TAYLOR SPORTFISHING &)
MARINE SUPPLY, LLC, a California)
Limited Liability Company d.b.a. LEO'S)
SPORTFISHING,)

Plaintiff,)

vs.)

DAN ROBIN CATALANO, an individual,)
in personam, Unnamed Sailing Vessel, Hull)
#CFZ0237TC700 & CF #0237TP, *in rem*,)
and Does 1-100, inclusive)

Defendants.)

Case No.: C07-04947

**DECLARATION OF SEAN
McINTYRE IN SUPPORT OF
DEFENDANTS' MOTION TO
VACATE ORDER OF ARREST OR,
ALTERNATIVELY, TO SET THE
AMOUNT OF SECURITY FOR
RELEASE OF THE VESSEL****Date: October 9, 2007****Time: 10:30 a.m.****Courtroom: 2, 5th Floor****Hon. Howard R. Lloyd**

I, SEAN McINTYRE, hereby declare as follows:

1. I am a friend and employee of the defendant in this action, Dan Catalano. The matters set forth below are based upon my own personal knowledge and observation. If called to testify, I could and would competently testify to the statements made below.
2. I first met Dan Catalano in February, 2007 in Santa Cruz, California. At that time I started to voluntarily help him on the new construction of the Vessel that was arrested in this case. At or about the end of August, 2007, Dan hired me to work on the Vessel, which he designed to be a replica of a pirate ship.

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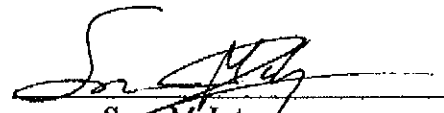
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- 1 3. After the Vessel was first placed in the water at the Santa Cruz Harbor in the beginning
2 of May, 2007, I continued to voluntarily work on the Vessel for Catalano.
- 3 4. Since I first started volunteering in early February, 2007, and through March, 2007, I
4 have spent an average of approximately 10 hours over 3 days per week aboard the
5 Vessel. From April, 2007, until the Vessel was recently arrested, I averaged
6 approximately 15 hours over 3 days per week. Since I started voluntarily working on the
7 Vessel in February of this year, I have become very familiar with all of the work done to
8 the Vessel during that time period, including the work done by Dan Catalano and the
9 plaintiff, Leo Morelli.
- 10 5. Based on my frequent observations of the work being done on the Vessel, I state that:
- 11 • The Vessel is not constructed with any fiberglass components;
 - 12 • Nowhere on the Vessel is green or white paint used;
 - 13 • The Vessel and all the equipment aboard do not run on gasoline and, therefore, never
14 the Vessel has never needed cans for gasoline;
 - 15 • Nothing on the Vessel is painted brown;
 - 16 • I have never seen Leo Morelli bring aboard any wet/dry vacuum cleaners or any
17 rivets, pipe hangers, or electrical conduit.

18

19 I declare under penalty of perjury under the laws of the State of California and the
20 United States that the foregoing is true and correct, and that this Declaration was executed on
21 October 3, 2007, at Santa Cruz, California.

22

23 
24 Sean McIntyre

25

26 EDN WOODTON
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28 AAL Document 10-2

PROOF OF SERVICE

Case: ***Morelli Taylor Sportfishing & Marine Supply, LLC v.
Dan Robin Catalano, et al.***

Case No.: **USDC, Northern District, Case No.: C-07-04947**

I am employed in the City and County of San Francisco by the law firm of COX, WOOTTON, GRIFFIN, HANSEN & POULOS, LLP, 190 The Embarcadero, San Francisco, California 94105. I am over the age of 18 years and not a party to the within action.

On October 3, 2007, I served the attached document(s):

**DECLARATION OF SEAN McINTYRE IN SUPPORT OF DEFENDANTS'
MOTION TO VACATE ORDER OF ARREST OR, ALTERNATIVELY, TO SET
THE AMOUNT OF SECURITY FOR RELEASE OF THE VESSEL**

on the parties, through their attorneys of record, by placing copies thereof in sealed envelopes (except facsimile transmission(s)), addressed as shown below, for service as designated below:

(A) By First Class Mail: I caused each such envelope, with first-class postage thereon fully prepaid, to be deposited in a recognized place of deposit of the U.S. mail in San Francisco, California, for collection and mailing to the addressee on the date indicated.

(B) By Personal Service: I caused each such envelope to be personally delivered to the addressee(s) by a member of the staff of this law firm on the date indicated.

(C) By Messenger Service: I caused each such envelope to be delivered to a courier employed by NATIONWIDE LEGAL, with whom we have a direct billing account, who personally delivered each such envelope to the addressee(s) on the date indicated.

(D) By Federal Express: I caused each such envelope to be delivered to Federal Express Corporation at San Francisco, California, with whom we have a direct billing account, to be delivered to the addressee(s) on the next business day. I deposited each such envelope/package at the Three Embarcadero Center location of Federal Express Corporation.

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JMU:Goldsworthy/2416

(E) By Facsimile: I caused such document to be served via facsimile electronic equipment transmission (fax) on the party(ies) in this action by transmitting a true copy to the following fax numbers:

<i>SERVICE</i>	<i>ADDRESSEE</i>	<i>PARTY REPRESENTED</i>
C.	Joseph W. McCarthy 400 Reed Street P.O. Box 58032 Santa Clara, CA 95050 Tel: (408) 727-4111 Fax: (408) 727-4343	Attorneys for Plaintiff Morelli Taylor Sportfishing & Marine Supply, LLC

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct, and that I am employed in the office of a member of the bar of this court at whose direction the service was made. Executed this October 3, 2007, at San Francisco, California.


Zoe Conner

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